

REMARKS

Status of the Claims

Claims 1-15 are pending in the present application. Claims 1-15 are rejected. Reconsideration and allowance of all of the pending claims is respectfully requested.

Claim Rejections - 35 U.S.C. §103(a)

At page 2 of the Office Action, claims 1-15 are rejected under 35 U.S.C. §103(a) as unpatentable over Ohsawa '530 (U.S. Patent No. 6,689,530). For the following reasons, this rejection is respectfully traversed.

A certified English translation of the priority document JP 2003-035055, filed February 13, 2003, is included with this Reply. Accordingly, applicants respectfully assert that the present application has a priority date of February 13, 2003 under 35 U.S.C. 119(a), and in accordance with 37 C.F.R. §1.55. Ohsawa '530 is therefore not prior art under 35 U.S.C. §102(a).

In addition, the Examiner is respectfully referred to the MPEP §2136.02 which states in relevant part:

For applications filed on or after November 29, 1999, if the applicant provides evidence that the application and prior art reference were owned by the same person, or subject to an obligation of assignment to the same person, at the time the invention was made, any rejections under 35 U.S.C. 102(e)/ 103 based upon such a commonly owned reference should not be made or maintained.

The Examiner's attention is directed to the assignment documents filed in this case and in Ohsawa '530, copies of which are here included as **Exhibit 1** and **Exhibit 2** for the Examiner's

convenience. Both applications are subject to assignment to the same entity. Therefore, Ohsawa '530 is also not prior art under 35 U.S.C. §102(e).

Accordingly, Ohsawa '530 is not prior art to the present application, and the Applicants respectfully request that this rejection be withdrawn.

At page 6 of the Office Action, claims 1-15 are rejected under 35 U.S.C. §103(a) as unpatentable over Ohsawa '432 (U.S. Patent Appl. Publ. No. 2004/0033432). For the following reasons, this rejection is respectfully traversed.

The Examiner is again respectfully referred to the MPEP §2136.02 quoted above, and to the assignment documents filed in this case and in Ohsawa (2004/0033432), copies of which are here included as **Exhibit 1** and **Exhibit 3** for the Examiner's convenience. Both applications are subject to assignment to the same entity. Ohsawa '432 is therefore not prior art under 35 U.S.C. §102(e).

Accordingly, the Applicants respectfully request that this rejection be withdrawn.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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Attachments :

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Certified Translation

Three (3) Exhibits